

**CUNY Graduate Center
Information Technology**

**Access to GC E-mail and Desktop Files of a Deceased Employee
Created: December 10, 2018**

The CUNY Policy on Acceptable Use of Computer Resources ([Computer Use Policy](#)) documents the rights and privileges of users of University IT systems, and GC IT safeguards the privacy of email and electronic files governed by that Policy.

However, under certain circumstances – in particular an individual’s death - access can be provided to others, per the provisions detailed below.

For Deceased Faculty

The Executive Officer and family members of a deceased faculty member who want access to the deceased’s GC E-mails and/or desktop files are required to submit their request to the [Provost’s Office](#). Upon receiving notification from the Provost’s Office, IT will then grant permission to the deceased’s E-mails and/or desktop files only to the GC employee so designated by the Provost’s Office for a period of 30 days.

For Deceased Staff

The Administrative supervisor and family members of a deceased staff member who want access to the deceased’s GC E-mails and/or desktop files are required to submit their request to the Graduate Center [CIO](#). Upon review of the request, IT will then grant permission to the deceased’s E-mails and/or desktop files only to the GC employee identified by the Graduate Center CIO for a period of 30 days.

Executive Officers and Administrative Supervisors have the authority to create an email out of office reply if deemed necessary.

Authorization:

The following protocol should be followed when a faculty member dies. First, the privacy interests that faculty members have under CUNY's IT policy 'die' with the passing of the faculty member. Further, the estate of the faculty member may retain a property interest in the decedent's intellectual property – writings, research and other such – resident on his or her CUNY equipment. When the GC receives requests of this nature, then the department should first obtain proof of the requester's standing to make the request – letters testamentary, copy of the death certificate, appointment of executor status, will excerpts, whatever. Then (and I quote Central OGC here): "an administrator (not the family member) should be provided access to the email account of the deceased faculty member to review any emails related to that individual's research or papers and presentations and other materials, which should then be shared with the widow/surviving family member." Note: Any data residing on a shared computer that the individual used should not and will not be made available. Only 'exclusive domain' items.

- Lynette M. Phillips
Legal Counsel / Labor Designee
The Graduate Center
March 2, 2017

If the College seeks to monitor, review or have access to the contents of a former employee's emails and/or electronic files, for business purposes, it should seek to obtain authorization from the former employee. Without that consent, monitoring without notice is permitted under Section IV.13.c.i.B of the Computer Use Policy, to protect the functionality of CUNY as determined by the College CIO or his or her designee. This memo is to advise you that CUNY's Chief Information Officer Brian Cohen had designated the campus CIOs to permit the monitoring of a former employee's account for this purpose. Note that this applies to administrators only (not faculty) since the justification is for business purposes.

- Abby Jennis, Associate General Counsel
Office of the General Counsel and Sr. Vice Chancellor for Legal Affairs, CUNY
September 13, 2016